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Ans

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/052,094	01/18/2002	David Marples	1365	5824

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EXAMINER

DUONG, OANH L

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 03/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/052,094	MARPLES ET AL.	
	Examiner	Art Unit	
	Oanh L. Duong	2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10, 16 and 17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10, 16 and 17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 1-9, 11-15 have been cancelled.

Claims 10, 16 and 17 are presented for examination.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 10, 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Calhoun (US 6,463,475 B1) in view of Murakawa (US 2001/0020273 A1).

Regarding claim 16, Calhoun teaches a communication system [Fig. 2]]
comprising:

a local network (i.e., destination network 20) having a first communication device (i.e., destination resource 22) thereon [see Fig 2];

a plurality of second communication devices external to said local network (i.e., ISP 42-46)[see Fig. 2],

a secure hub (i.e., tunnel switch 100) [Fig. 2],

a virtual pipe between the first communication device and said secure hub (i.e., switched tunnel 52) [Fig. 2],

means for routing communication from any of the second communication devices and addressed to the first communication device to the virtual pipe (i.e., tunnel switch 100 provides access to the destination network 20 by initiating a switched tunnel 52 to switch traffic from incoming tunnel 50 to the destination network resources 22, 24, 26) [col. 4 lines 35-42], and

means for tunneling said communications over the virtual pipe to the first communication device [col. 5 line 64-col. 6 line 17].

Calhoun does not explicitly teach IP address is assigned to a communication device, and associating the assigned IP address with the virtual pipe.

Murakawa teaches said local network including access blocking apparatus (i.e., NAT) that connects the local network to external networks and that separates said first and second communication device [page 4 paragraphs 93-94], a secure hub (i.e., gateway 203) [Fig. 1] includes a pool of available IP addresses (i.e., configures LAN with private IP addresses) [page 4 paragraph 93] from which an IP address can be assigned to the a communication device (i.e., a private address used for the terminals on LAN) [page 4 paragraph 98], and means for associating the assigned IP address with the virtual pipe [page 4 paragraphs 86-98]. It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to combine the teachings of Calhoun and Murakawa to assign an IP address to a communication device and associate the assigned IP address with the virtual pipe because it would allow the external device to behave as if being standalone terminal that has the same

segment as a terminal on the network does, with no degradation of security (Murakawa, page 5 paragraph 108).

Regarding claim 10, Calhoun-Murakawa teaches a second virtual pipe (Murakawa, VPN 208) between one of the second devices (Murakawa, PC 101) and said secure hub (Murakawa, Gateway Apparatus 203), and wherein said means for associating associates a second IP address from the pool of available IP addresses with the second pipe, and means for tunneling tunnels the communications from the one of the second devices though the second virtual pipe [Murakawa, page 4 paragraphs 86-89]

Regarding claim 17, Calhoun teaches a communication system [Fig. 2] comprising:

a local network (i.e., destination network 20) having a first communication device (i.e., destination resource 22) thereon [see Fig 2],

a plurality of second communication devices (i.e., ISP 42-46) external to said local network (i.e., destination network 20) and connectable thereto through a public network (Internet 40) [see Fig. 2],

a secure hub (i.e., tunnel switch 100) having routing and switching functionality (i.e., switch process 150), pipe termination functionality (termination process 110), and interfaces to the public network [Figs 2-3 col. 4 line 35-col. 5 line 29],

means for creating a virtual pipe (i.e., switched tunnel 52) between said secure hub (i.e., tunnel switch 100) and said first communication device (i.e., destination network resource 22) for tunneling communication and bypassing said security access blocking apparatus [Fig. 2 col. 5 lines 49-63].

Calhoun does not explicitly teach means for assigning an IP address to a communication device, and associating said IP address with a virtual pipe as claimed.

Murakawa teaches security access blocking apparatus (i.e., NAT) that provides the first communication device access to the public network and separates the first and second communication devices [Fig. 8, page 4 paragraphs 93-94], means for assigning an IP address to a communication device and associating said IP address with said virtual pipe, whereby said IP address gives said communication device an appearance on said local network [page 4 paragraph 86-98]. It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to have utilized the means for assigning an IP address to a communication device and associating said IP address with said virtual pipe of Murakawa in the communication system of Calhoun because such means would allow the external device to behave as if being standalone terminal that has the same segment as a terminal on the network does, with no degradation of security (Murakawa, page 5 paragraph 108).

Response to Arguments

2. Applicant's arguments filed 11/03/2004 have been fully considered but they are not persuasive.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "*the first or local communication device establish the virtual pipe and is assigned the IP address, which gives the local device an appearance on the external network*") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

Art Unit: 2155

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Oanh L. Duong whose telephone number is (571) 272-3983. The examiner can normally be reached on Monday- Friday, 8:00AM - 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T. Alam can be reached on (571) 272-3978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

O.D
March 3, 2005


HOSAIN ALAM
SUPERVISORY PATENT EXAMINER